

## Message Text

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ORIGIN AF-10

INFO OCT-01 ISO-00 ONY-00 /011 R

DRAFTED BY AF/S:RPERRY;DH  
APPROVED BY AF/I:LGSHURTLEFF  
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C O N F I D E N T I A L STATE 145350

E.O. 11652: GDS

TAGS:SHUM, WZ

SUBJECT: HUMAN RIGHTS: DRAFT SWAZILAND ACTION PLAN

REF: STATE 139160

### 1. COUNTRY PLAN

#### A. CONDITION OF HUMAN RIGHTS IN SWAZILAND

1. THE PEOPLE AND GOVERNMENT OF SWAZILAND HAVE A BASIC AND TRADITIONAL RESPECT FOR HUMAN RIGHTS. DESPITE THE LACK OF LEGAL SAFEGUARDS THERE HAS NOT BEEN ANY SERIOUS OR WIDESPREAD DEGRADATION OF RESPECT FOR LIFE, LIBERTY AND SECURITY OF THE PERSON. THERE IS NO EVIDENCE THAT PERSONS IN SWAZILAND ARE SUBJECTED TO TORTURE OR TO CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.  
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THERE IS NO EVIDENCE THAT MEMBERS OF THE POLITICAL OPPOSITION HAVE BEEN MISTREATED DURING PERIODS OF DETENTION. THE SWAZI JUDICIAL SYSTEM WILL GIVE A FAIR HEARING OR TRIAL TO A PERSON CLAIMING A VIOLATION OF HUMAN RIGHTS.

2. CIVIL AND POLITICAL LIBERTIES IN SWAZILAND HAVE BEEN RESTRICTED BY THE GOVERNMENT. IN THE FIRST POST-INDEPEN-

DENCE ELECTION HELD IN MAY 1972, KING SOBHUZA'S PARTY WON 75 PERCENT OF THE VOTE. THE OPPOSITION NGWANE NATIONAL LIBERATION CONGRESS (NNLC) WON 20 PERCENT OF THE VOTE AND GAINED THREE SEATS IN THE HOUSE OF ASSEMBLY. ON APRIL 12, 1973, THE KING ABOLISHED BOTH THE CONSTITUTION AND THE PARLIAMENT AND ASSUMED ALL GOVERNMENTAL POWERS. HE STATED THAT HE CONSIDERED OPPOSITION PARTIES CONTRARY TO SWAZI TRADITION. IN SEPTEMBER 1973 THE KING ANNOUNCED THE FORMATION OF A ROYAL CONSTITUTIONAL COMMISSION, WHICH WOULD RECOMMEND A NEW CONSTITUTION MORE COMPATIBLE WITH SWAZI TRADITION, BUT TO DATE NO NEW CONSTITUTION HAS RESULTED. IN MARCH 1977 KING SOBHUZA ANNOUNCED PLANS TO ESTABLISH A NEW SYSTEM FOR SELECTING POPULAR REPRESENTATIVES.

3. (A) THE GOVERNMENT OF SWAZILAND HAS LAUNCHED A RURAL DEVELOPMENT PLAN DESIGNED TO IMPROVE THE STANDARD OF LIVING OF THE MAJORITY OF SWAZIS WHO DEPEND ON SUBSISTENCE AGRICULTURE FOR A LIVELIHOOD. HOWEVER, SOME CRITICS OF THE GOVERNMENT CHARGE THAT ECONOMIC DEVELOPMENT POLICY DOES NOT ADEQUATELY ADDRESS THE NEEDS OF THE POOR.

(B) CORRUPTION IS NOT COMMON AND HAS NOT BEEN A SIGNIFICANT PROBLEM IN SWAZILAND.  
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4. SINCE THE 1973 ABOLITION OF THE CONSTITUTION, KING SOBHUZA II HAS RULED SWAZILAND AS KING-IN-COUNCIL, WITH THE ADVICE OF THE FORMER CABINET AND THE TRADITIONAL SWAZI NATIONAL COUNCIL. THERE ARE NO LEGAL SAFEGUARDS CURRENTLY IN EFFECT CONCERNING INDIVIDUAL RIGHTS AND FREEDOMS. HOWEVER, THE UNDERLYING AND MAINLY UNWRITTEN ROMAN-DUTCH LAW OF SWAZILAND PROTECTS INDIVIDUALS IN MUCH THE SAME WAY AS DOES ENGLISH COMMON LAW.

5. THE GOVERNMENT OF SWAZILAND HAS NOT ATTEMPTED TO RESTRICT INDEPENDENT INVESTIGATIONS OF HUMAN RIGHTS IN SWAZILAND. AMNESTY INTERNATIONAL PROTESTED THE 1976 DETENTION OF DR. ZWANE, LEADER OF THE NNLC, BECAUSE OF AN ARTICLE HE WROTE FOR A SOUTH AFRICAN NEWSPAPER CONCERNING SWAZILAND'S FOREIGN POLICY. AI IS ALSO CONCERNED ABOUT THE ALLEGED ABDUCTION IN SWAZILAND OF POLITICAL REFUGEES BY SOUTH AFRICAN SECURITY AGENTS.

IN 1973 THE REVIEW OF THE INTERNATIONAL COMMISSION OF JURISTS REPORTED THAT THE ABOLITION OF THE CONSTITUTION

APPEARED TO BE A "SERIOUS SETBACK", OBSERVING THAT "SWAZILAND HAS ALWAYS BEEN REGARDED AS ONE OF THE MOST ENLIGHTENED COUNTRIES IN TERMS OF CIVIL RIGHTS AND RACE RELATIONS." FREEDOM HOUSE RANKS SWAZILAND AS "PARTLY FREE".

## B. ANALYSIS AND RECOMMENDATIONS

1. LEGITIMATE U.S. HUMAN RIGHTS OBJECTIVES IN SWAZILAND OVER THE NEXT YEAR ARE TO ENHANCE SWAZILAND'S ABILITY TO HANDLE REFUGEES, AND TO PROMOTE A RETURN TO A CONSTITUTIONAL GOVERNMENT. THE CURRENT SITUATION IN SOUTHERN AFRICA IS LIKELY TO INCREASE THE NUMBER OF

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REFUGEES ENTERING SWAZILAND FROM NEIGHBORING COUNTRIES. WITH THE ASSISTANCE OF UNITED NATIONS AGENCIES, SWAZILAND PRESENTLY ASSISTS REFUGEES IN ARRANGING TRANSPORTATION TO COUNTRIES WILLING TO ACCEPT THEM. HOWEVER, SWAZILAND IS NOT ABLE TO PROVIDE REFUGEES REASONABLE ACCOMODATIONS UNTIL ONWARD TRANSPORTATION CAN BE ARRANGED. WE CAN PROVIDE THE GOVERNMENT OF SWAZILAND ASSISTANCE FROM AID FUNDS TO MAINTAIN THE REFUGEES DURING THEIR STAY IN THAT COUNTRY.

BY RESPONDING IN A POSITIVE FASHION TO THE REFUGEE PROBLEM WITH ITS HUMAN RIGHTS IMPLICATIONS, WE MAY HELP TO CREATE A RECEPTIVE AUDIENCE AMONG SENIOR SWAZI OFFICIALS TO ENCOURAGE A RETURN TO A CONSTITUTIONAL GOVERNMENT IN SWAZILAND. THIS CAN BEST BE ACCOMPLISHED THROUGH QUIET DIPLOMACY. IN THE PROCESS OF BRIEFING SWAZI OFFICIALS ON OUR HUMAN RIGHTS POLICY, OUR AMBASSADOR COULD SUGGEST THAT A FAILURE TO RETURN TO A CONSTITUTIONAL GOVERNMENT MARS SWAZILAND'S OTHERWISE VERY FAVORABLE IMAGE IN THE U.S. ESPECIALLY IN VIEW OF THE ADMINISTRATION'S GLOBAL CONCERN ABOUT HUMAN RIGHTS.

2. THE GOVERNMENT OF SWAZILAND WOULD APPRECIATE U.S. ASSISTANCE FOR A GROWING PROBLEM IN SWAZILAND. MOREOVER, IF THE ADDED PRESSURE ON SWAZI SOCIETY GENERATED BY THE PRESENCE OF REFUGEES IS ALLEVIATED, THE GOS MAY FEEL MORE ABLE TO CONSIDER A RETURN TO CONSTITUTIONAL GOVERNMENT. KING SOBHUZA MAY NOT BE INITIALLY MOVED BY OUR COMMENTS ON HUMAN RIGHTS IN SWAZILAND, BUT HIS ADVISORS MAY BE ENCOURAGED TO TAKE STEPS TO ASSURE SWAZILAND'S CONTINUED POLITICAL STABILITY, ESPECIALLY BY ALLOWING LIMITED POLITICAL EXPRESSION.

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3. REFUGEE ASSISTANCE WILL LIKELY BE WELCOMED BY ALL

GROUPS IN SWAZILAND.

4. A) ASSISTANCE TO REFUGEES IN SWAZILAND WOULD  
SUPPLEMENT ONGOING US ASSISTANCE PROGRAMS. A DIPLOMATIC  
APPROACH TO IMPROVE HUMAN RIGHTS IN SWAZILAND SHOULD  
NOT HARM OUR OTHER INTERESTS IN THE COUNTRY.

B) SWAZILAND WILL PROBABLY SUPPORT EFFORTS IN THE UN  
AND OAU THAT PROMOTE HUMAN RIGHTS.

5. DEPT WOULD APPRECIATE EMBASSY COMMENTS ON ABOVE  
DRAFT ACTION PLAN BY JUNE 28. PLEASE SLUG REPLY FOR AF  
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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009